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Notice of Allowability	Application No.	Applicant(s)	
	10/755,150	CURTIS, GARY L.	
	Examiner	Art Unit	
	Dana Ross	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 20, 2005.
2. ☒ The allowed claim(s) is/are 1-4 and 6-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. Claims 1-4 and 6-9 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art of record neither anticipates nor renders obvious a method for automatically positioning a nozzle on a machine tool for discharge of a coolant stream onto each of a plurality of cutting tools as claimed in independent claims 1, 6 and 9, specifically wherein the combination of limitations the in the individual independent claim includes the further limitation of the nozzle pivoted without the use of a motor to adjust the angle of attack of the coolant system (claims 1 and 6), or providing a linear drive member to pivot the nozzle and allowing the drive member to move independently of the nozzle after the nozzle has reached a coolant-applying position (claim 9).

The closest prior art of record found is U.S. Pat. No. 5,186,394 (Tsuji) as is discussed in detail in the previous office action. Tsuji teaches a pivotable nozzle 1 (col. 2, lines 57-66) for delivering cutting flood to a machining unit (col. 1, lines 7-14) with liquid supply ports 10 and 11 and a motor 16 and 23 for motorized actuation to adjust the angle of attack (col. 4, lines 55-60); and an orientation control unit with holding member 6 for retaining the nozzle in fixed relation to the cutting tool (col. 1, lines 53-61 and col. 3, lines 25-32).

Tsuji does not teach the combination of limitations including the adjusting of the nozzle as non-motorized. Therefore Tsuji does not anticipate the claimed invention of claims 1 or 6.

Tsuji does not teach the combination of limitations including the linear drive member to pivot the nozzle and allow the drive member to move independently of the nozzle after the nozzle has reached a coolant-applying position. Therefore Tsuji does not anticipate the claimed invention of claim 9.

Furthermore, Tsuji, alone or in combination with the prior art, does not render obvious a method for automatically positioning a nozzle as claimed without the use of a motor. To remove the motorized actuation means of Tsuji would destroy the workability of the invention. Also there is no motivation found to modify Tsuji to include the claimed linear drive member as claimed, and furthermore, to do so would require hindsight.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



dmr



BOYER D. ASHLEY
PRIMARY EXAMINER